

Message Text

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PAGE 01 STATE 083027 TOSEC 030132
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FOR HODDING CARTER, WTE-1 FOR USDEL SECRETARY

E.O. 11652: N/A

TAGS:SOPN, PEPR, MASS, IS, US

SUBJECT: ARTICLE ON ISRAELI USE OF US WEAPONS IN LEBANON

HERE FOLLOWS TEXT OF ARTICLE BY JIM MCCARTNEY APPEARING IN
KNIGHT NEWSPAPERS (PHILADELPHIA INQUIRER), MARCH 31, UNDER
HEADLINE "U.S. AIDES: ISRAEL BROKE ARMS LAW."

BEGIN TEXT:

STATE DEPARTMENT LAWYERS HAVE CONCLUDED THAT ISRAEL
VIOLATED LEGAL AGREEMENTS WITH THE US IN ITS USE OF
AMERICAN-MADE WEAPONS DURING THE INVASION OF LEBANON.

WELL-PLACED SOURCES SAID YESTERDAY THAT A MAJOR DEBATE WAS
UNDER WAY WITHIN THE DEPARTMENT OVER WHAT TO DO ABOUT IT,
AND NO FINAL CONCLUSIONS HAVE BEEN REACHED.

THE LAWYERS HAVE CONCLUDED, ACCORDING TO TWO SOURCES, THAT
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PAGE 02 STATE 083027 TOSEC 030132

ISRAEL HAS VIOLATED PART OF A 1952 AGREEMENT THAT STIPU-
LATES THAT WEAPONS OBTAINED BY ISRAEL FROM THE US MAY BE
USED ONLY FOR PURPOSES OF "LEGITIMATE SELF-DEFENSE."

THE LAWYERS BELIEVE THAT THE LEBANESE INVASION, IN WHICH
MORE THAN 10,000 US-EQUIPPED TROOPS CROSSED THE BORDER TO
CLEAN OUT SANCTUARIES FROM WHICH PALESTINIANS HAVE ATTACKED

ISRAEL, WENT "SUBSTANTIALLY" BEYOND THE LIMITATIONS
IMPOSED BY THE AGREEMENT.

HAVING DRAWN THIS CONCLUSION, THE LAWYERS MUST NOW DECIDE
WHETHER TO RECOMMEND FORMALLY TO PRESIDENT CARTER THAT HE
CUT OFF MILITARY AID TO ISRAEL.

THE LAW SEEMS TO DEMAND SUCH ACTION BY THE PRESIDENT IF HE
IS TOLD THAT THE AGREEMENT HAS BEEN VIOLATED, BUT STATE
DEPARTMENT EXPERTS DOUBT THAT SUCH A RECOMMENDATION WILL
BE MADE, OR THAT CARTER WOULD ACT ON IT IF IT WERE.

"I JUST CAN'T IMAGINE THAT AID WILL BE CUT OFF," ONE SAID.

THE PERTINENT PART OF THE 1952 AGREEMENT WITH ISRAEL READS
THAT US WEAPONS "WILL BE USED SOLELY TO MAINTAIN (ISRAEL'S)
LEGITIMATE SELF-DEFENSE, OR TO PERMIT IT TO PARTICIPATE IN
THE DEFENSE OF THE AREA OF WHICH IT IS A PART....IT WILL
NOT UNDERTAKE ANY ACT OF AGGRESSION AGAINST ANY OTHER
STATE."

THE LAW INVOLVED WAS LAST INVOKED AFTER THE 1974 INVASION
OF CYPRUS BY TURKEY. CONGRESS WITHHELD ARMS SHIPMENTS
FROM TURKEY, WHICH THEN CLOSED U.S. BASES. WHEN ARMS
SHIPMENTS WERE PARTIALLY RESUMED, THE BASES WERE REOPENED
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 083027 TOSEC 030132

ON A LIMITED BASIS. BUT THEIR ACTIVITY HAS NOT RETURNED
TO PRE-1974 LEVELS.

LEBANON AND OTHER ARAB COUNTRIES HAVE CHARGED THE ISRAELI
INVASION WAS AN ACT OF AGGRESSION. ISRAELI PRIME MINISTER
MENACHEM BEGIN HAS SAID THAT ISRAEL ONLY EXERCISED ITS
"LEGITIMATE RIGHTS OF SELF-DEFENSE."

THE ISSUE SEEMS BOUND TO STIR DEBATE IN CONGRESS, WHERE
SEVERAL MEMBERS HAVE EXPRESSED CONCERN ABOUT THE POSSIBLE
MISUSE OF U.S.-MADE WEAPONS IN LEBANON.

INSIDERS SAY THAT TOP ADMINISTRATION OFFICIALS ARE TRYING
TO DELAY REPORTING THEIR LEGAL FINDINGS TO CONGRESS UNTIL
THE ISRAELI TROOPS HAVE WITHDRAWN FROM LEBANON. THIS
WOULD MAKE THE ISSUE MOOT, AT LEAST IN PART.

"WE ARE GOING TO HAVE TO TELL CONGRESS THAT THE LAW WAS
VIOLATED, HOWEVER," ONE SAID. "BUT WE WILL PROBABLY TRY TO
EMPHASIZE THAT THE ISRAELIS HAVE UNITED NATIONS RESOLU-
TIONS ASKING THEM TO WITHDRAW. THIS WOULD LESSEN THE
PAIN."

OFFICIALS SPECULATED PRIVATELY THAT IT WOULD PROBABLY BE NECESSARY TO OBTAIN ASSURANCES FROM ISRAEL THAT IT WOULD NOT MISUSE AMERICAN EQUIPMENT IN THE FUTURE--WHICH, THEY SAY, COULD BE A TOUCHY ISSUE.

REPS. PAUL FINDLEY AND CHARLES WILSON JR. FIRST RAISED THE LEGAL ISSUE IN A LETTER TO SECSTATE VANCE ON MARCH 17. LAST WEEK, SEN. JAMES ABOUREZK, THE ONLY CONGRESSMAN OF ARAB DESCENT, ALSO ASKED VANCE FOR A RULING ON THE QUESTION.

THE STATE DEPARTMENT HAS REPEATEDLY INSISTED THAT IT IS "STUDYING" THE QUESTION AND IS NOT READY WITH AN ANSWER.
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PAGE 04 STATE 083027 TOSEC 030132

VANCE, HIMSELF A LAWYER, SAID AT A NEWS CONFERENCE LAST FRIDAY THAT "THE LEGAL QUESTION IS A COMPLEX ONE" AND THAT AN ANSWER HAD NOT YET BEEN REACHED.

CARTER DECLINED TO GIVE A DIRECT ANSWER TO A QUESTION ON THE SUBJECT IN A NEWS CONFERENCE IN BRAZIL YESTERDAY.

THE BASIC LAW UNDER WHICH THE AGREEMENT TO SELL ARMS TO ISRAEL WAS MADE IS THE ARMS EXPORT CONTROL ACT.

END TEXT. COOPER

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